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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,462	01/26/2001	Thomas Thoroe Scherb	P20418	5458

7590 02/14/2002

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EXAMINER

CHIN, PETER

ART UNIT PAPER NUMBER

1731

DATE MAILED: 02/14/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

SN

Office Action Summary

Application No.

09/769,462

Applicant(s)

SCHERB ET AL.

Examiner

Peter Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,8. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are merely a recitation of parts or elements of the apparatus without the necessary connecting structure. There is insufficient structure to define what and how the dewatering wire is "zonally varied wire permeability". Claims 1 and 22 are also incomplete since there is no recitation of means or element for delivering the pulp stock.

2. Claims 1-48 are rejected under 35 U.S.C. 102(b/e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schiel (6,004,429) or Edwards et al (6,287,426).

Both Schiel and Edwards et al disclose a paper making apparatus and method for making tissue paper: a twin wire crescent former, press dewatering section, which utilize extended nip presse(s), followed by a creping cylinder or Yankee and associated creping doctor. To the extent that the claims are understood, in the absence of adequate structural definition of what a zonal varied wire permeability" is, Schiel and Edwards et al disclose the claimed apparatus and method. In any case, if any weight could be given to this term, it would have been obvious to use such a wire since it is well known as evidenced by Applicant's admission that it is the same wire as PCT/GB99/02684.

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3. New formal drawings are required in this application because the lines, numbers and lettering are of poor quality. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please review these references carefully since they are highly pertinent to the disclosed invention, but have not been applied against the claims since, at present, they are cumulative to Schiel cited above.

Bluhm et al (5,556,511) shows an extended nip press shoe and counter and associated doctor blade for making tissue paper.

Ampulski et al (5,897,745; 6,103,062; and 6,193,839) teach the use of extended nip press an imprinting dewatering fabric followed by creping from a Yankee cylinder. It is silent as to the use of a twin wire machine such as a crescent former. It is noted, however, that crescent formers and twin wire formers are standard paper machines.

Schiel (6,083,349) and Tietz et al (6,235,160) show tissue machines employing extend nip press arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Chin whose telephone number is (703) 308-2046. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (703) 308-3837. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

A handwritten signature in black ink, appearing to read 'Peter Chin', with a stylized flourish at the end.

Peter Chin
Primary Examiner
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